

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE
MINUTES OF PUBLIC MEETING**

DATE.....March 3, 2004
TIME.....4:30 P.M.
PLACE.....COUNTY OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

| MEMBERS PRESENT | MEMBERS ABSENT | NON-VOTING | STAFF PRESENT |
|------------------------|-----------------------|-------------------|----------------------|
| KD Benson | Steve Schreckengast | Michael Smith | Margy Deverall |
| Mark Hermodson | | | Kathy Lind |
| Gary Schroeder | | | Jay Seeger, Atty |
| Robert Bowman | | | |
| David Williams | | | |
| Dr. Carl Griffin | | | |

KD Benson called the meeting to order.

I. APPROVAL THE MINUTES

Carl Griffin moved to approve the minutes of the January 20, 2004 meeting. Gary Schroeder seconded and the motion carried by voice vote.

II. AMENDING UZO REGARDING WINERIES.

Jay Seeger stated that the proposed amendment is a final draft, allowing wineries by right in the GB, HB and I zones, and by special exception in the A zones. He said that he, Rick Black and Sallie Fahey have spent a lot of time reviewing this proposed amendment. He pointed out that this proposal includes most of the items discussed at the last meeting regarding wineries. He mentioned that Rick Black would also like wineries to be permitted in a CB or CBW zone.

KD Benson pointed out that the hours of operation, traffic and public and private events have been covered in the amendment.

Rick Black, 3913 Kensington Drive, Lafayette, IN, stated that he was not aware there was a zoning classification of CB or CBW. He mentioned that he and staff did discuss the logistics of a winery being in a downtown district. He said that, as far as he knew, the differences between CB and GB were for economic reasons.

Mark Hermodson stated that the only difference between them is the setback.

Margy Deverall stated that there are differences in the parking requirements.

Jay Seeger stated that if wineries were permitted in the CB and CBW zones, there would still need to be minor adjustments. He explained that the minor adjustments would not substantially affect the rest of the proposal, other than the parking.

Carl Griffin asked what the procedure would be if this addition was made.

Jay Seeger stated that if the Committee wanted to include CB and CBW, then they would need to make a motion, the staff would make the revisions, the amendment would be reviewed at the March 17, 2004 Ordinance Committee meeting and there would still be time to send it to the full Commission for the April 21, 2004 meeting.

Rick Black stated that the Committee has been very helpful during this process, and he was happy with the proposal.

Michael Smith thanked the Committee for all the time and effort that they have put into this. He stated that he appreciated all the work that Jay Seeger has done on this issue.

Steve Clevenger, 4011 Blackforest Lane, West Lafayette, IN, pointed out that in the proposal it states that all un-roofed, outdoor tasting decks and patios are subject to all setback requirements. He stated that it does not clarify if that applies to the setback requirements of the primary use building, the un-rooted porch and deck setbacks or the open use setback.

Jay Seeger stated that the intent was to treat an un-roofed, outdoor tasting deck as enclosed and part of the primary use building.

Steve Clevenger suggested that some language be added in order to clarify the setback issue. He pointed out that the proposal states that this use would be subject to the setback for uses in the GB and HB zones. He mentioned that the side setback is zero feet, if it is not adjacent to a residential zone.

Jay Seeger stated that in a GB or HB zone the intent was that this would be a completely enclosed structure.

Steve Clevenger pointed out that if this were in an Ag zone, it would be subject to the setbacks of a GB or HB zone.

Jay Seeger stated that they would make that correction.

Mark Hermodson moved to include CB and CBW zones in the proposed amendment. Gary Schroeder seconded and the motion carried by voice vote.

Rick Black thanked the Committee for their time and work.

Mark Hermodson moved to table this topic until the March 16, 2004 meeting. Robert Bowman seconded and the motion carried by voice vote.

III. MISCELLANEOUS UZO CHANGES

A. Off-site parking in Industrial districts and GB districts

Kathy Lind read section 4-6-11 (d) (1) of the UZO. She explained that this section has led to some confusion. She read the proposed changes as, "Off-site parking for commercial uses shall be located entirely within a commercial zone; off-site parking for industrial uses shall be located entirely within an industrial zone.

KD Benson asked what the source of confusion was on this section.

Kathy Lind explained that the issue came up because Lafayette Venetian Blind has property zoned general business and industrial and wanted to expand their parking lot into the GB zone. She stated that there was some confusion among staff as to whether they could do that. She said that they wanted to make it clear that commercial parking goes in commercial zones and industrial parking goes in industrial zones.

Gary Schroeder asked if that would mean only employees working in the GB portion would be allowed to park in the expanded portion of the parking lot.

Kathy Lind stated that Sallie Fahey has met with Lafayette Venetian Blinds and they have worked out all the parking issues and would not need to rezone. She mentioned that this was just an example of a business that had both zones.

KD Benson asked if parking would be prohibited from one lot to another if there were a GB zone next-door to an industrial zone.

Kathy Lind replied affirmatively.

KD Benson stated that she did not agree with that.

Kathy Lind used the examples of a church putting a parking lot in a residential zone or an apartment complex putting a parking lot in a single-family residential zone.

KD Benson stated that she agreed with the residential restrictions, but not with restricting general business and industrial.

Gary Schroeder stated that unless there was a specific circumstance of this causing a problem, he did not see a need for a change.

Carl Griffin asked if the Committee did not understand the problem.

Kathy Lind stated that she could not explain further because Sallie Fahey was the staff person who initiated the change.

Mark Hermodson stated that they were trying to interpret the intent of the original ordinance, which is that there shall be no off-site parking in those zones. He said that the first sentence is unclear, but the second sentence clearly prohibits overflow into a residential zone.

Carl Griffin moved to table this discussion until further clarification can be obtained. Mark Hermodson seconded and the motion carried by voice vote.

B. Selling one family vehicle per year

Kathy Lind stated that this was an issue raised by Al Levy.

Al Levy explained that the way the ordinance reads, if a single family home is selling one vehicle, it is illegal to put it in the front yard with a for sale sign. He stated that he would like to make that situation legal by defining a family vehicle as "a vehicle with a hauling capacity of less than one ton, that is owned by and registered to a person who resides within the home and has been owned by that person for an extended period of time, at least one year." He explained that this definition would allow a person or family to sell a car and prohibits the circumstance of someone buying and selling a vehicle every couple of months. He read proposed footnote 59 and clarified that if someone wanted to sell a car from their home, it had to be the resident's car, and the possibility of more than one per year was very remote. He reiterated that he wanted to legalize a practice that has been going on for years. He mentioned that it would also make enforcement easier and clearer.

Gary Schroeder asked if this would apply only to the County or if it would include the Cities.

Al Levy stated that this would be enforceable throughout the entire County. He mentioned that Lafayette and West Lafayette have their own ordinances that would further restrict this, which is why the phrase "where otherwise lawful" was included.

Gary Schroeder asked if it was currently illegal to sell a car in front of a home.

Al Levy replied affirmatively. He said that only if a home were zoned GB would that be allowed.

Gary Schroeder asked how this would affect a farmer who wanted to sell his tractor or grain truck.

Al Levy stated that a grain truck, an RV and a bus were all over one ton. He said that right now all of those would be illegal to sell and this amendment would not change that.

Gary Schroeder asked if a tractor would be illegal.

Al Levy stated that a tractor would be legal.

Gary Schroeder asked for clarification that it must be a licensed vehicle.

Al Levy replied affirmatively.

Robert Bowman asked if this would prohibit selling a vehicle on e-bay.

Al Levy stated that this would not prohibit e-bay sales, it would only apply to vehicles that are sitting in front of a house with a for sale sign.

Robert Bowman gave an example of someone who is acquiring vehicles, selling them on e-bay and parking them on his property or the street.

Al Levy stated that person was in violation right now and this amendment would not help them at all.

Mark Hermodson asked if this person had a dealer's license. He stated that a person could not sell more than 3 cars per year without a dealer's license.

KD Benson posed the question that there were 6 cars in her family and if they wanted to sell more than 3 they would have to get a dealers license.

Mark Hermodson pointed out that if one was in her son's name that would be different.

Al Levy pointed out that that was a state law and difficult to enforce under the UZO. He said that one person could sell 3, and anything over 3 would require a license.

KD Benson stated that she was in support of allowing this, but was concerned for the people wanting to sell their RV's. She asked why cars were singled out in the ordinance and not other property that is for sale in the front yard.

Jay Seeger stated that he was in favor of this change. He said that he would also like to address allowing the sale of an RV. He pointed out that 2 garage sales per year are permitted per home. He said that if only one or two vehicles per year were sold, the size of the vehicle would not be as important.

Al Levy stated that he wanted to prohibit the larger vehicles in order to avoid backhoes and dump trucks in the front yard.

KD Benson stated that there would be complaints that a car could be parked in a driveway, without a for sale sign, but if there is a sign that causes trouble.

Al Levy replied affirmatively. He stated that the car could be parked anywhere on the property, but as soon as a for sale sign is posted that becomes a violation.

Robert Bowman pointed out that the car could be driven to work with a for sale sign and now it is parked at work with a sign.

Al Levy stated that would be difficult to enforce. He said that the problem is trying to take action against people who are buying and selling cars every few months.

Mark Hermodson stated that the one question that should be addressed is the issue of RV's.

Carl Griffin stated that the Committee should consider whether they want to allow an individual to sell an RV and whether that could be accomplished in one ordinance.

KD Benson asked if RV parking was allowed in all residential areas, or if there were any restriction on RV parking.

Jay Seeger stated that restricted RV parking is in covenants.

Al Levy stated that is why it states “where otherwise lawful”.

Jay Seeger stated that this could be revised.

Gary Schroeder asked if Al Levy would agree with allowing 2 sales per year.

Al Levy pointed out that this amendment would not restrict it to selling 1 car per year. He explained that the vehicles would have to have been owned for at least one year and be registered to the resident of the home.

Mark Hermodson stated that the only other restriction would be State law, which is a maximum of 3 per year. He pointed out that the section Gary Schroeder was referring to was just the introduction to the proposed change.

KD Benson pointed out that the amendment would only include the definition, change to use table 3-2 and footnote 59.

Al Levy reiterated that there is no restriction to only 1 per year.

Gary Schroeder moved to table until further revisions could be done. Carl Griffin seconded and the motion carried by voice vote.

KD Benson asked for public comment on this topic.

There were no comments.

C. Changing requirements for driveways on flag lots

Kathy Lind explained the problem of flag lot driveways by using the example that if County Highway does not approve that location for a driveway permit, or if there are multiple flag lots adjacent to each other, we would be requiring multiple driveways side by side. She read the current definition of a flag lot. She suggested the following addition: “unless the driveway is wholly contained within a recorded access easement which connects to the street at a location, which has been approved by the Administrative Officer, County Highway Department or other responsible jurisdiction.”

KD Benson asked for confirmation that this would allow the drives to be combined if it were in an easement.

Mark Hermodson asked if this would also solve the problem of flag lots not being connected to public street directly.

Kathy Lind stated that was correct and the result would be the same.

Jay Seeger asked for confirmation that the driveway would not have to be within the pole.

Kathy Lind stated that was correct so long as there was a recorded access easement.

Jay Seeger asked if this would apply to a lot that had a ravine in front and private drive in back.

Kathy Lind replied affirmatively.

Gary Schroeder moved to approve C. Changing requirements for driveways on flag lots. Mark Hermodson seconded and the motion carried by voice vote.

IV. CITIZEN COMMENTS

KD Benson stated that she has had requests that warning sirens for severe storms be tied into the subdivision ordinance, in order to deflect cost and placement from the developers. She asked if this topic could be put on an Ordinance Committee meeting agenda.

Mark Hermodson stated that the next meeting would be on March 16, 2004 and the agenda would include all of the tabled items.

V. ADJOURNMENT

Mark Hermodson moved to adjourn the meeting. Gary Schroeder seconded the motion.

KD Benson adjourned the meeting.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,

Kathy Lind
Senior Planner